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ABSTRACT

This discussion guide offers suggestions for conversations about sexual harassment. Its purpose is to help readers use dialogue to understand the legal definition of sexual harassment and to clarify and develop their own and others' definitions of acceptable behavior between men and women in the workplace, on campus, or wherever people gather. An introduction defines the term "sexual harassment" and highlights the benefits of discussion. Parts 1 and 2, the core of the guide, contain specific frameworks and questions to use as guides for discussions. Part 1 contains hypothetical cases to allow users to reexamine their attitudes, experiences, and perceptions in light of what they and others have experienced and thought. Following the cases are questions to guide discussion. Part 2 describes four typical ways in which people view sexual harassment. Each is written in the voice of someone who might hold that view. The views are intended to be used as discussion starters as group members take turns putting themselves in the place of a possible supporter of each view. Questions to guide discussion then are provided. Following the core material is a brief informational piece on sexual harassment and an annotated listing of four resource organizations and three resource books. The guide concludes with a set of commonly advocated ground rules for productive discussion. (YLB)

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The Busy Citizen's Discussion Guide:

Sexual Harassment

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

—Suggestions for Informal Conversations

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Additional copies of *The Busy Citizen's Discussion Guide: Sexual Harassment* are available for $.50 each. Or, you are welcome to photocopy it. Contact the Study Circles Resource Center (SCRC) if your organization or corporation would like information on sponsoring distribution of this booklet or SCRC's Busy Citizen's Guide on racism and race relations.

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Introduction

The purpose of this guide

This Busy Citizen's Discussion Guide offers suggestions for conversations about an issue that is the subject of much national debate. Its purpose is to help you use dialogue to better understand the legal definition of sexual harassment and to clarify and develop your own and others' definitions of acceptable behavior between men and women in the workplace, on campus, or wherever people gather.

What is sexual harassment?

Though sexual harassment is much talked about, it is little understood. The legal definition is based on guidelines first established by the Equal Employment Opportunity Commission (EEOC) in 1980:

> *Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.*

Even though this definition seems straightforward on a first reading, interpretation of individual cases can be difficult. Each situation must be examined on its own merits. In cases in which sexual favors are asked for in exchange for a promotion or a job benefit, sexual harassment clearly exists. The question becomes more difficult in these "*quid pro quo*" cases when the exchange is implied rather than made explicit. There is also disagreement surrounding claims that certain behaviors have created an offensive, hostile work environment; harassment of this type may come from peers, subordinates, or superiors. Even more questions arise as campuses struggle to adapt this EEOC definition to their unique circumstances.

Usually when people talk about sexual harassment, they talk about a man harassing a woman. It is important to note that harassers may be male or female, and may be of the same or different sex

as the victim. According to several surveys, about 40 percent of women report having experienced sexual harassment, compared to about 15 percent of men.

What good will it do to talk about it?

An essential part of dealing with sexual harassment is to understand what it is. Understanding will come in part from a wider distribution of information. But an even greater understanding will come from a frank dialogue in which men and women can openly and respectfully explore each other's ideas, perceptions, and experiences.

Once people can recognize when sexual harassment is taking place, they can take steps to prevent it, stop it, or get help in dealing with it. An awareness of the issue helps people to know their rights and empowers them to articulate what is acceptable and unacceptable behavior. Also, an understanding of sexual harassment will increase sensitivity to the feelings of others and knowledge of how to act appropriately. When people do experience sexual harassment, they will have a better understanding of the personal, legal, and institutional avenues that are available to them.

Most business and educational institutions have focused their efforts on the legalities surrounding sexual harassment. In some states, laws require companies of certain sizes to post notices about the illegality of sexual harassment and about grievance procedures that exist for those who are experiencing it. But most employers and school administrators recognize that publicizing and enforcing the law are only part of the answer. Sexual harassment is a problem of human relations that calls for communication. It harms individuals and lowers the ability of people to work together effectively. If people who work together can better understand each other's feelings and attitudes, they will get along better and the general atmosphere in the workplace and on campus will improve.

Also, dialogue about sexual harassment will help people deal with changes happening in society at large, in workplaces, and in schools. Women are joining the work force in larger numbers, are more frequently entering professions that were previously dominated by men, and many hold higher positions than they did in the past.

Many people are questioning and reexamining work relations and male-female interactions which used to be taken for granted.

Talking about sexual harassment can be difficult because the issues tap into complex emotions and cultural conditioning. At times the issue raises traumatic incidents that people may never have felt able to talk about. Even though debates about sexual harassment do not always fall along male-female lines, open communication on this issue can provide an opportunity for men and women to bridge some of the most pervasive divisions in our society.

Using this guide

Parts I and II are the core of this guide. They contain specific frameworks and questions to use as guides for your discussions. Following the core material is a brief informational piece on sexual harassment and a list of additional resources. Since any discussion will be more productive if those who participate agree to ground rules, on page 16 we present a set of commonly advocated ground rules for productive discussion.

Share this booklet with friends, neighbors, and acquaintances; co-workers, fellow students and teachers; members of your church, synagogue, or mosque; and other members of organizations to which you belong. You are welcome to photocopy it. We hope that you will use this guide in ways that suit your particular circumstances, as you explore the various personal, social, and political dimensions of sexual harassment. You can use these ideas in an organized discussion group or in a more informal setting - for example, over lunch at work, during your commute, over dinner, or after watching a news show with friends and family.

Part I – Sharing attitudes, experiences, and perceptions

Talking about hypothetical cases is one way to reexamine your attitudes, experiences, and perceptions in light of what you and others have experienced and thought. Following the cases are questions to help you talk about them.

Some cases to consider

1. A woman is attending training seminars that will enable her to take a management position. After she declines to have sex with her supervisor, he tells her that she is not qualified to continue with the management training.

2. A boss gives his secretary roses during secretary's week and leaves a note for her that says she is more important to him than his wife.

3. A female supervisor repeatedly invites a male employee to dinner at her home.

4. A male supervisor decides not to promote a female employee because he is afraid she will be sexually harassed by the all-male team she would be working with in her new position.

5. A male supervisor calls a male employee a "pansy" and makes exaggerated, mimicking gestures behind his back to other employees.

6. A woman wears a tight-fitting dress to the office, and a male co-worker tells her she looks "sexy."

7. A group of female and male engineers tell explicitly sexual jokes to each other and have for a number of years. One woman is offended but has never said anything.

8. A male supervisor initiates a sexual relationship with a female employee. They continue this relationship for a long period of time, and then she ends it. During the next year, she begins to receive negative job reviews.

9. A customer at a restaurant tells a waitress that he will pay her tuition for college if she spends some weekends with him.

10. In a warehouse, the corridor walls to the bathrooms are covered with pictures of nude women.

11. A male supervisor puts his hand on the shoulder of a woman employee whenever he talks with her.

12. A female supervisor expects her young assistant to escort her on numerous evening outings in order to conduct business over dinner, and over dinner makes sexual innuendos.

13. The male department chair in a university invites a new female graduate student to lunch to discuss the future direction of her coursework. He spends most of the lunchtime conversation asking her about her personal life.

14. A male college professor is known for making sexual jokes in class, though he never makes this kind of remark to students outside of class.

15. A male college professor calls his male students by name but refers to female students as "honey."

16. A female college professor has warned a borderline student that unless he gets more serious about his work she will have to fail him. Halfway through the semester, she sees him at a local pub, buys him a drink, and tells him that she is sexually attracted to him.

Questions for considering the cases

- Is this sexual harassment, according to the law? Is this offensive behavior, though it may not be against the law? Is this acceptable behavior? What additional information would you need in order to decide?

- If others in your discussion have differing opinions on a particular case, can you understand why your interpretations are different?

- Do any of your own experiences affect the way you feel and think about the cases? Talk about your own experiences if you wish to. (No one should be obliged to talk about his or her experiences.)

- Do you think differently about harassment that is malicious as opposed to harassment that is based on ignorance or carelessness?

- How would your conclusion about the cases differ if the person taking the action were not in a position of authority?

- Can words or behaviors perceived as harassment from one person be seen as acceptable from another?

- Does there have to be a pattern of behavior to establish sexual harassment?

Part II – Talking about sexual harassment's relationship to the larger society

Discussions of sexual harassment often lead to discussions about society in general. The wide variety of ideas that come out reflect differences in peoples' personal backgrounds, experiences, and beliefs. Differences of opinion cut across lines of gender, political affiliation, occupation, and income. Sexual harassment raises so many emotionally charged issues of personal identity, responsibility, freedom, and the desire for community that it raises internal conflicts in many people.

Below are four typical ways in which people view sexual harassment. Some parts of these views may overlap with one another, but each view provides a different emphasis in understanding the nature of the issue. Each is written in the voice of someone who might hold that view. Use the views as a discussion starter by taking turns putting yourselves in the place of a possible supporter of each view. This will provide a way to clarify your own thinking and to explore the differences and similarities between your thinking and that of others.

The views

1. Sexual harassment is primarily about the abuse of power. According to this view, the issue is not primarily about male-female relationships but about coercion and intimidation. Even though some cases may be difficult to interpret, recognizing that sexual harassment is primarily a power issue brings it into clearer focus. We must stress that relationships in the workplace and in schools are not the same as social relationships. They include elements of power and authority that make intimidation possible. When there is a power inequity, it can be very difficult for someone to reject sexual advances. Unlike social settings, there is not the freedom to walk away from a work or school situation without the possibility of having to pay for it either

emotionally or economically. Also because of the inequity in power, there is fear of reprisal for reporting harassment. Education about sexual harassment should emphasize this aspect of it, and grievance procedures should be sensitive to it.

2. Sexual harassment primarily reflects women's second-class status in our society. According to this view, society still silently condones the second-class treatment of women, in spite of gains that women have made in legal protections and in professional standing. The inequality of women is one way that women and men are divided in our society, and it affects the ability of everyone to work together. Women are often portrayed as objects to be used for men's purposes, and that is why there is so much violence against women and why discrimination and sexual harassment are so prevalent. Until sexism is treated seriously, sexual harassment will be tolerated. According to this view, laws that prohibit sexual harassment are necessary but are not likely to get at the root of the problem. Society needs to confront its deeply ingrained sexism. Until our culture values women as equals, sexual harassment will be part of the continuum of violence against women.

3. Most sexual harassment reflects a confusion over how to define appropriate behavior during a time of transition in men's and women's roles. According to this view, it makes sense that discussions of sexual harassment often lead to discussions of larger questions about our society. The roles of men and women, the differences between men and women, and how men and women should behave toward each other are all in a state of flux. Sexual harassment is an important problem, but that should not obscure the fact that there are many well-meaning people trying to find their way in relationships. Our society has made great strides in winning equality for women, both under the law and in social arrangements, but learning how to relate to one another in these new roles takes time. There will always be complexities in relationships between men and women, but we make a mistake to lump these complexities with "harassment." To do so hinders people from understanding sexual harassment, lessens the impact of harassment charges, and makes it more difficult to work out new kinds of relationships.

Both men and women must be sensitive to communicating openly and respectfully about each other's perceptions within the context of each relationship.

4. The real meaning of sexual harassment is becoming distorted by those who label as "harassment" almost anything that is sexual. According to this view, our society is diverting attention from the real problem of sexual harassment by looking suspiciously at almost any form of sexual talk or behavior. This comes from a basic mistrust of all men that is based on some men's offensive behavior. In cases in which someone in a position of authority over someone else causes that person physical, economic, or psychological harm, we should treat sexual harassment as a serious offense. People who hold this view contend that the women's movement may have gone too far in promoting the idea that much of men's behavior is sexist and even harassment. This has harmed relations between men and women, and skews our definitions of sexual harassment. For example, to include speech that may cause unpleasantness in our definitions of sexual harassment, we open the door to limits on free speech and unreasonably act as though women are helpless victims. According to this view, courts should concentrate on the sexual harassment claims that have real substance, but not obscure the issue by so broadening the definition that it becomes meaningless. We should make a distinction between sexual harassment and irritating or tasteless innuendos.

Questions for considering the views

- Which view, or combination of views, comes closest to your own? Do you think that sexual harassment is an important problem in our society? What do you think is at the heart of the problem?

- Do we need to pay more or less attention to sexual harassment?

- How do different views of the problem lead to different ideas about what we as a society should do about it?

- What can be done to change attitudes that foster or condone sexual harassment?

- Beyond their legal responsibility, do businesses and schools have a social responsibility to educate employees, faculty, and students about sexual harassment?

- Can different standards of behavior, depending upon whether one is relating to someone of the same sex or the other, be acceptable? Are different standards conducive to relationships based on mutual respect? Or is this just another "separate but equal" distinction that divides and polarizes rather than unites?

Some background on the issue: Sexual harassment as a personal, social, and political issue

Sexual harassment is not new, but our society is paying more attention to it than ever before. Over the past 30 years, it has moved from being viewed as a "personal matter" to being viewed as an issue deserving of public concern.

Though there is public concern, there is also a great deal of confusion about what it is, what we should do about it, and what it means for how men and women should relate to each in our changing culture. Those who experience sexual harassment often feel shame, fear, anger, low self-esteem, and discouragement long past the period of time in which the harassment takes place. Many women have stories about their experiences with sexual harassment in workplaces and schools. Some men have experienced sexual harassment as well. For both women and men sexual harassment is hurtful and may bring old experiences into new awareness. Since the issue so often meshes with male-female relations, there is a lot of room for miscommunication about a problem that is large in scope.

The redefinition of men's and women's roles in our culture and laws against sex discrimination set the stage for society's increased attention to sexual harassment. In the latter part of the 1960s, inspired in part by the civil rights movement, women began to reconsider the traditional limitations on their lives, in particular the stereotypical ways in which they were viewed as "sex objects." Many women demanded that education, hiring, and promotion decisions be made on the basis of qualifications rather than on the basis of gender. Many women also began to demand equal and fair treatment in the workplace. It was with this backdrop that sexual harassment became recognized as particular form of gender discrimination.

Sexual harassment is illegal, but recognition of it as a crime is relatively recent. Even after the passage of Title VII of the 1964 Civil Rights Act (which prohibits discrimination in employment on the grounds of race, color, religion, national origin, or sex) it took several years for the courts to identify sexual harassment as a form of sex discrimination. For many years, judges ruled that what is now

defined as sexual harassment was a normal part of workplace relationships.

In 1980, the Equal Employment Opportunity Commission first defined sexual harassment as a form of unlawful, sex-based discrimination, and it established guidelines for clarifying it. In 1984, the EEOC expanded the scope of its guidelines to educational institutions. Campuses are faced with the task of adapting the guidelines to a context that is different in many ways from the workplace. (Title IX of the 1972 Higher Education Amendments outlaws sex discrimination in educational institutions receiving federal assistance.) In 1986, the Supreme Court upheld the EEOC's interpretation of Title VII of the Civil Rights Act. The Civil Rights Act of 1991 allows victims of sexual harassment to recover awards for compensatory and punitive damages.

In addition to legal changes that have made the problem more visible, charges of sexual harassment in prominent places have involved the public in the debate over the issue. The October 1991 Senate confirmation hearings for then-nominated Supreme Court Justice Clarence Thomas brought sexual harassment to a new level of public attention. Anita Hill's story to the confirmation committee of being sexually harassed by Thomas, when he was Director of the Equal Employment Opportunity Commission (EEOC) and her immediate supervisor, riveted the nation. During the hearings and directly after the confirmation of Thomas, there was a national outpouring of discussions on sexual harassment. Debates, arguments, conversations, and embarrassed joking about sexual harassment continue to take place throughout our society.

Regardless of peoples' beliefs about the guilt or innocence of Thomas, recognition of the problem of sexual harassment grew as a result of the hearings. In the last quarter of 1991, immediately following the Thomas hearings, the EEOC's sexual harassment caseload increased 71%. Since Anita Hill's testimony, other allegations of sexual harassment have been front-page news. At the end of 1992, sexual harassment charges brought against Senator Bob Packwood of Oregon, a stalwart supporter of women's issues, fueled the national debate. The number of federal court cases involving sexual harassment has skyrocketed. Many businesses, trade unions, government agencies, and universities are adopting or revising sexual

harassment policies and complaint procedures, as well as setting up trainings for their employees.

With legal protections, people are more apt to speak up when they feel they have been victims of sexual harassment, but even with legal protections many still fear the repercussions of speaking out. There is still much confusion in society about the nature of sexual harassment, and most people - men and women - find it difficult to talk about in a way that helps to clarify the issue. This booklet is intended as a tool for those seeking understanding.

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Additional resources on sexual harassment

Organizations

Business and Professional Women/USA
2012 Massachusetts Ave., NW
Washington, DC 20036
(202) 293-1100

Information clearinghouse on sexual harassment. Refers callers to local chapters nationwide.

Equal Rights Advocates
1663 Mission St., Suite 550
San Francisco, CA 94103
(415) 621-0505

Provides initial information and legal advice, and will refer to groups nationwide. Provides counseling and advice in Spanish and English.

The National Council for Research on Women
Sara Delano Roosevelt Memorial House
47-49 East 65 Street
New York, NY 10021
(212) 570-5001 or FAX (212) 570-5380

Guides on organizing speakouts and forums on sexual harassment. Also available: *Sexual Harassment: Research and Resources, A Report-in-Progress.*

9 to 5, National Association of Working Women
614 Superior Avenue NW
Cleveland, OH 44115
(216) 566-9308

9 to 5 hotline: (800) 522-0925. A toll-free service. Advises women on sexual harassment and other job-related problems.

Books

You Just Don't Understand: Women and Men in Conversation, by Deborah Tannen, Ph.D. Ballantine Books, New York, 1990.

A very readable account of complexities of communication between men and women due to different conversation styles. A useful help for conversation, and a good discussion starter itself.

The 9 to 5 Guide to Combatting Sexual Harassment, by Ellen Bravo and Ellen Cassedy. John Wiley & Sons, New York, 1992.

Provides general information on sexual harassment followed by advice for managers, employers, and unions, as well as victims and other concerned individuals. Also includes a resource list.

Sexual Harassment: Confrontations and Decisions, edited by Edmund Wall. Prometheus Books, Buffalo, New York, 1992.

This collection of articles examines a variety of perspectives in the sexual harassment debate. Readable articles explore the definition and causes of sexual harassment both in the university and the workplace. A section on "Legal Responses" explores court cases and legal arguments.

Ground rules for useful discussions

This section offers some brief suggestions for useful discussions about social and political issues. Some people say that, in this age of television and busy lives, our conversation skills leave something to be desired. Still, the art of conversation can be revived with practice.

Whether you are talking with close friends or casual acquaintances, effective communication requires that you respect others and take their ideas seriously – even when you think they're dead wrong.

Talk about public issues can bring out strong emotions, because many of our beliefs are a large part of how we identify ourselves. You can respect another's feelings without necessarily agreeing with the conclusions that person has come to.

There are no sure-fire rules, but applying some basic principles will make your conversations more productive, satisfying, and enjoyable. Though many of these ground rules seem commonsensical, we all know that in practice they are not so commonly applied!

- Listen carefully to others. Try to really understand what they are saying and respond to it, especially when their ideas differ from your own. Try to avoid building your own arguments in your head while others are talking.

- Think together about what you want to get out of your conversations.

- Be open to changing your mind; this will help you really listen to others' views.

- When disagreement occurs, keep talking. Explore the disagreement. Search for the common concerns beneath the surface. Above all, be civil.

- Value one another's experiences, and think about how they have contributed to your thinking.

- Help to develop one another's ideas. Listen carefully and ask clarifying questions.

- Don't waste time arguing about points of fact; for the time being, you may need to agree to disagree and then move on. You might want to check out the facts before your next conversation.

- Speak your mind freely, but don't monopolize the conversation.

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The Busy Citizen's Discussion Guide: Sexual Harassment is designed to help you have more productive conversations about a difficult issue whose scope has recently become more apparent. This booklet can be read quickly and discussed whenever you have the opportunity to talk. It is balanced in its presentation of ideas, and offers suggestions for discussing different aspects of the problem.

The Study Circles Resource Center (SCRC), producer of this Busy Citizen's Discussion Guide, is a project of the Topsfield Foundation, Inc., a private, nonprofit, nonpartisan foundation dedicated to advancing deliberative democracy and improving the quality of public life in the United States. SCRC carries out this mission by promoting the use of small-group, democratic, highly participatory discussions known as study circles.

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